HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 16406 of 2007

Dated 30.08.2007

Between:

Sri Venkateswara Cable Network and others.

…Petitioners

and

The Govt. of A.P. and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 16406 of 2007

O R D E R:

The petitioners are the cable networks operating at different places in East Godavari District. They approached the 3rd respondent with a request to grant media accreditation, as provided for under the Andhra Pradesh Media Accreditation Rules, 2005, issued through G.O.Ms.No.96, dated 08.03.2006. Their grievance is that though the applications were made long back, no action

has been taken thereon; and they seek necessary directions to the 3rd respondent for granting accreditation.

The 3rd respondent filed a detailed counter affidavit. It is stated that though the applications were made, furnishing the particulars in Part-I of the prescribed form, the information required in Part-II was not furnished and in that view of the matter, no action was taken.

Heard the learned counsel for petitioners and the learned Government Pleader for General Administration.

A serious doubt arises as to the very nomenclature given to the relevant provisions. Through G.O.Ms.No.96, dated 08.03.2006, the Government framed the provisions, what are known as “Andhra Pradesh Media Accreditation Rules, 2005”. In the ordinary legislative practice, Rules are framed in exercise of powers conferred under an Act. The Rules referred, to above, are not framed, in exercise of the powers under any Act. On instructions, the learned Government Pleader submits that the Rules were framed in exercise of executive power under Article 161 of the Constitution of India. The administrative instructions issued under that Article are named either as “regulations” or “instructions”. It is not known as to whether necessary attention was paid in naming the provisions, referred to above. That, however, is a different aspect.

The intending persons are required to make applications in the prescribed form and it is in two parts. While the petitioners contend that the necessity to furnish the particulars in part-II would arise, if only the application is processed and cleared at the stage of part-I, it is contended on behalf of the respondents that the application must be complete both in Part-I and II, at one and the same stage.

In that view of the matter, the writ petition is disposed of, directing that in case, the petitioners furnish the particulars provided for under Part-II also and complete all the formalities, the 3rd respondent shall process the same and pass necessary orders within four (4) weeks from the date of such submission. There shall be no order as to costs.

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30.08.2007

Note: Issue C.C. in 2 days.

(B/o)

JSU